

REMARKS

In the Office Action, the Examiner objected to the abstract; rejected claims 5-11 and 15-21 under 35 U.S.C. § 112, second paragraph; rejected claims 1-3, 5-8, 11-14, 16-19, and 24 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 7,062,502 to Kesler et al. ("*Kesler*"); rejected claims 4 and 15 under 35 U.S.C. § 103(a) as unpatentable over *Kesler* in view of U.S. Patent No. 6,732,124 to Koseki et al. ("*Koseki*"); and rejected claims 9, 10, 20, and 21 under 35 U.S.C. § 103(a) as unpatentable over *Kesler* in view of U.S. Patent Publication No. 2003/0093790 to Logan et al. ("*Logan*")¹. By this Amendment, Applicant amends claims 1-21 and 24.

I. The Objection to the Abstract

The Examiner states:

The abstract of the disclosure is objected due to the use of implied language. Note that in the abstract, the language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, 'The disclosure concerns,' 'The disclosure defined by this invention,' 'The disclosure describes,' etc.. . See MPEP § 608.01(b). Correction is required.

(Office Action at p. 3). Applicant submits that the abstract, as amended herein, is in compliance with MPEP § 608.01(b), and respectfully request the Examiner to withdraw the objection.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

II. The Rejection of Claims 5-11 and 15-21 under 35 U.S.C. § 112, second paragraph

The Examiner states:

Regarding claims 5, 11, 15, 16, 20, 21 the claims use the phrase 'anyone of the claims'. Accordingly, the term 'anyone' is an improper use of multiple dependent claims. See MPEP § 608.01(n). The Examiner suggests using 'any one of the claims' instead.

(Office Action at p. 4). Claims 5, 11, 15, 16, 20, and 21 have been amended and no longer recite the term "anyone." Claims 6-10 and 17-19 were apparently rejected solely due to their dependence from claims 5 and 16, respectively. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 5-11 and 15-21 under 35 U.S.C. § 112, second paragraph.

III. The Rejection of Claims 1-3, 5-8, 11-14, 16-19, and 24 under 35 U.S.C. § 102(e)

To properly anticipate Applicant's claimed invention under 35 U.S.C. § 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." See M.P.E.P. § 2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8th Ed. 2001), p. 2100-69. Applicant traverses the rejection of claims 1-3, 5-8, 11-14, 16-19, and 24 under 35 U.S.C. § 102(e) for the following reasons.

Claim 1 recites, for example, a method for dynamic data type enrichment comprising “adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata” (emphasis added). *Kesler* fails to teach or suggest at least the claimed “variable ... that comprises both the basic data type and the metadata.”

Kesler discloses software, apparatus, and method for automatically generating a user interface for a database (*Kesler*, abstract). *Kesler* further discloses extracting schema information from the database and automatically generating metadata (*Kesler*, abstract). *Kesler* also discloses a MaskedTextBox to provide an input mask for text fields that store formatted data (*Kesler*, col. 35, line 60 to col. 36, line 3), and the Examiner alleges the input mask corresponds to the claimed metadata (Office Action at p. 5). However, *Kesler* does not disclose a variable in the application program that comprises the metadata. Moreover, even assuming *Kesler* disclosed such a variable, *Kesler* does not disclose a variable that comprises both input mask and the text field. Therefore, *Kesler* fails to teach or suggest the claimed “adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata,” as recited by independent claim 1.

Independent claims 12 and 24, although of different scope than claim 1 and from each other, recite subject matter similar to that discussed above with respect to claim 1,

and not taught or suggested by *Kesler*. Claims 2, 3, 5-8, and 11 depend from claim 1, and claims 13, 14, and 16-19 depend from claim 12, and are allowable at least due to their dependence from allowable base claims.

IV. The Rejections of Claims 4 and 15 under 35 U.S.C. § 103(a)

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 4 and 15, because a *prima facie* case of obviousness has not been established with respect to these claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). M.P.E.P. § 2142, 8th Ed., Rev. 2 (May 2004), p. 2100-128.

A *prima facie* case of obviousness has not been established because, among other things, neither of *Kesler* nor *Koseki*, taken alone or in combination, teach or suggest each and every element recited by Applicant's claims.

Claims 4 depends from claim 1, and claim 15 depends from claim 12. As already discussed, *Kesler* fails to teach or suggest "adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata." *Koseki* also fails to teach or suggest an "adding metadata to the at least one basic data

type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata.”

Koseki discloses a data processing system that stores log records to repair a file system (*Koseki*, abstract). *Koseki* also discloses that the system has a metadata volume and a metadata cache for holding metadata objects (*Koseki*, col. 9, lines 48-58). However, *Koseki* fails to disclose that the metadata are added to a data type at runtime. Moreover, *Koseki* fails to disclose a variable that comprises both the metadata objects and a data type. Therefore, *Koseki* fails to teach or suggest the claimed “adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata.”

For at least the reason that the cited references fail to teach or suggest the claimed “adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata,” no *prima facie* case has been established with respect to claims 4 and 15. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 103(a) and allow claims 4 and 15.

V. The Rejection of Claims 9, 10, 20, and 21 under 35 U.S.C. § 103(a)

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 9, 10, 20, and 21, because a *prima facie* case of obviousness has

not been established with respect to these claims. A *prima facie* case of obviousness has not been established because, among other things, neither of *Kesler* nor *Logan*, taken alone or in combination, teach or suggest each and every element recited by Applicant's claims.

Claim 9 and 10 depend from claim 1, and claims 20 and 21 depend from claim 12. As already discussed, *Kesler* fails to teach or suggest "adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata." *Logan* also fails to teach or suggest an "adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata."

Logan discloses a system for utilizing metadata to enhance user's enjoyment of broadcast programming content (*Logan*, abstract). *Logan* also discloses storing metadata in public or private databases (*Logan*, ¶ 308). However, *Logan* fails to disclose that the metadata are added to a data type at runtime. Moreover, *Logan* fails to disclose a variable that comprises both a data type and the metadata stored in either the public or private databases. Therefore, *Logan* fails to teach or suggest the claimed "adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata."

For at least the reason that the cited references fail to teach or suggest the claimed “adding metadata to the at least one basic data type at runtime when the application program is executed to create a variable in the application program that comprises both the basic data type and the metadata,” no *prima facie* case has been established with respect to claims 9, 10, 20, and 21. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 103(a) and allow claims 9, 10, 20, and 21.

Dependent claim 9 is further distinguishable from the cited art. Claim 9 recites a method “wherein the metadata is stored in a private instance of the metadata store together with the application.” The Examiner relies on *Logan*’s private database as corresponding to the claimed “private instance” (Office Action at p. 13). However, *Logan* does not teach or suggest that an application program using the metadata is stored together with the metadata in the private database. Therefore, *Logan* fails to teach or suggest the claimed “wherein the metadata is stored in a private instance of the metadata store together with the application.” The remaining references also fail to teach or suggest this subject matter of claim 9.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

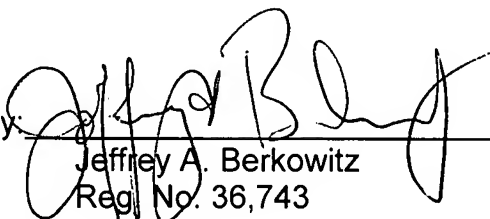
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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Jeffrey A. Berkowitz
Reg. No. 36,743